

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT PECK, JR.,

Defendant.

8:20CR227

**MEMORANDUM
AND ORDER**

This matter is before the Court on defendant Robert Peck, Jr.'s ("Peck") second Motion to Suppress (Filing No. 94). Peck is seeking to exclude evidence obtained from the search of an LG cell phone. The parties stipulated to the magistrate judge¹ that no evidentiary hearing was necessary and that the Court take judicial notice of the filings in this case. The magistrate judge issued her Findings and Recommendation on June 20, 2023 (Filing No. 107) and Peck timely objected (Filing No. 108).

The Court has conducted a careful de novo review of the matter, *see* 28 U.S.C. § 636 (b)(1), and agrees that the Motion to Suppress should be denied.

The Court adopted (Filing No. 63) the magistrate judge's Findings and Recommendations over the objections by Peck on the first Motion to Suppress (Filing No. 58), finding that Peck's Fourth Amendment rights were not violated by the dog sniff at Peck's apartment complex door, and that there was probable cause supporting the July 21, 2020 warrant. In the alternative, the Court found that the good-faith exception would apply.

The November 21, 2022 warrant for the LG cell phone was based on and consistent with this probable cause finding. The LG cell phone evidence is admissible.

¹The Honorable Susan M. Bazis, United States Magistrate Judge for the District of Nebraska.

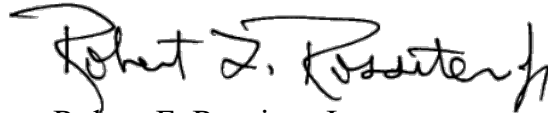
Accordingly, and for the reasons set forth in the Magistrate Judge's Findings and Recommendations,

IT IS ORDERED:

1. Defendant Robert Peck, Jr.'s objections (Filing No. 108) to the magistrate judge's Findings and Recommendation are overruled.
2. The magistrate judge's Findings and Recommendation (Filing No. 107) is accepted.
3. Peck's second Motion to Suppress (Filing No. 94) is denied.

Dated this 7th day of July 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge